

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**ORIGINAL**

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GENARO MORALES,

Plaintiff,

08 Civ. (CLB)

-against-

MICHAEL R. EDELMAN a/k/a "THE  
CONSULTANT", individually, PHILLIP  
AMICONE, individually and in his capacity  
as Mayor of the City of Yonkers, New York,  
EDMUND HARTNETT, individually, and as  
Police Commissioner of the City of Yonkers,  
New York, JOHN FLEMING a/k/a "MOB BUSTER",  
individually and in his capacity as Executive  
Assistant to the Mayor of the City of Yonkers,  
New York, LAWRENCE PORCARI a/k/a  
"ETHAN EDWARDS", individually and in  
his capacity as Assistant Corporation Counsel  
for the City of Yonkers, New York, and the  
CITY OF YONKERS, New York,

FILED  
U.S. DISTRICT COURT  
S.D. OF N.Y. W.P.  
JUN 21 PM 12:28  
**08 CIV. 5756**  
COMPLAINT

**Jury Trial Demanded**

Defendants  
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Plaintiff GENARO MORALES, by his attorney, Jonathan Lovett, Esq., for his  
complaint respectfully states:

**NATURE OF THE ACTION**

1. This is an action for compensatory and punitive damages, proximately resulting  
from conduct engaged in by the Defendants while acting jointly under color of New York

Oneill, Inc., 12. Sundry Management Inc., 13. West 20<sup>th</sup> Enterprises, 14. MKSZ Realty, Inc., 15. Pacific Club Holdings, Inc., 16. Pacific Club Holdings II, Inc., 17. Sunday Management, Inc. (partner with Domenica O'Neill), 18. JR Realty Management, Inc. (partner with Genaro Morales), 19. Springfield Holdings. . .Sam Zherka does have many aliases . . .Sam Zenka, Sam Zherka, Sam Zhreka. . .REALLY DANGEROUS AND BAD GUY!”.

14. On October 4, 2007, at 6:40 p.m. Fleming as “MOB BUSTER” posted an entry on the blog: “Most of the people listed as plaintiffs [in Sayegh v. Amicone, 07 Civ. 8048 (CLB), Lukaj v. Amicone, 07 Civ. 8184 (CLB), Kllapija v. Amicone, 07 Civ. 7597 (CLB), Guevara v. Amicone, 07 Civ. 6941 (CLB), Gonzalez v. Amicone, 07 civ. 7600 (CLB), Dzikovic v. Amicone, 07 Civ. 7692 (CLB), and Ayala v. City of Yonkers, 07 Civ. 8186 (CLB)] are not aware that their names were included in a lawsuit against the City of Yonkers. Also, many on this list do not even read or write english. Some are Nader Sayegh’s tenants who are defrauding section 8 with the help of Nader Sayegh. . .If the City of Yonkers would like a more detailed information on each litigant, the research has been completed, and is readily available upon asking. I will make certain that my tax dollars does [*sic.*] not go to help the MOB. These are only a few names of the litigants. . .1. Madelin Suleiman, 2. Lana Marji, 3. Kenneth Heslop, 4. Randa Sayegh, 5. Chandra Sookdeo, 6. Joni Campbell, 7. Yolanda Collazo, 8. Roberto Rodriguez, 9. Guillermo Corso, 10. Chesekia Corso, 11. Mario Martinez, 12. Angel Feliz, Sr., 13. Angel Feliz Jr., 14. Maribel Ayala, 15. Domenica O’Neill, 15. Richard Guzman, 16. Cesar Castillo”.

15. On October 4, 2007, at 8:49 p.m. Fleming as “MOB BUSTER”, posted an entry on the blog: “I discovered footage of Zherka and the motley crew standing before the

Federal [Courthouse] steps calling the Independence Party corrupt. . .I will not allow these evil people (MOBSTERS) to prevail”.

16. On October 5, 2007, at 5:25 p.m. Edelman as “THE CONSULTANT” published on the blog: “The only thing that remains to be determined in the breadth of the zherka influence in the Robertson campaign. . .sifting through the numerous corporations contributing there are a number that have one incorporator in common. .Sam zherka. I believe that of the [\$]63,000 that is raised [for the Robertson campaign] over 50% comes from a zherka owned entity”.

17. On October 5, 2007, at 7:04 p.m. Porcari as “ETHAN EDWARDS” posted on the blog: “Yes, all those figures in Robertson’s [campaign donor] filing must be gone over carefully. I saw the large amount I did with just a quick look because I know many of Zherka’s corporations. . .I suggest the US Attorney should be notified of all this, as well as the Westchester [County] DA, the Yonkers PD, and the State Elections Board. There is still a complaint to be filed. . .Maybe the new Yonkers Republican execs can file it jointly. . .Does anyone still want to say the Guardian can claim it’s a legitimate newspaper? Under the Guardian’s own name, Zherka gave \$5,000 to Robertson”.

18. On October 5, 2007, at 7:05 p.m. Porcari as “ETHAN EDWARDS” posted on the blog: “How about because none of Amicone’s donors are tied to the Albanian mob?”

19. On October 5, 2007, at 8:00 p.m. Fleming as “MOB BUSTER”, made an entry on the blog with respect to Plaintiff, who he identified as “Sammy Zherka”:

“I am conducting this investigation not because anyone has asked me to, but because I love Yonkers, and it is despicable to see someone who in my opinion is money laundering, and using the City of Yonkers to try and further his criminal activity”.

20. On October 6, 2007, at 8:38 p.m. Fleming as “MOB BUSTER” posted to the blog: “Mr. Ethan Edwards, I discovered a lot about [Genaro] Morales, and just to give a bit of information to those who may be somewhat curious, there is quite a bit of mortgage fraud with this character and his partner Zherka”.

21 On October 8, 2007, at 2:56 p.m. Fleming as “MOB BUSTER” posted to the blog: “Mr. Ethan Edwards, the JN [Journal News] never reports correctly. Zherka. . . runs a sleazy escort service”.

22. On October 8, 2007, at 4:19 p.m. Porcari as “ETHAN EDWARDS” posted to the blog: “Mob Buster. . .Do you have anything on Nubreed Entertainment, which is another Zherka corp. that gave money to Robertson. . .Actually, I wonder if the escort service is in Houston, NY, or somewhere else. By the way, since your information is law-enforcement related, I suggest you send it to: Edmund Hartnett, Yonkers Police Commissioner. . .”.

23. On October 8, 2007, at 10:14 p.m. Fleming as “MOB BUSTER” posted to the blog: “Mr. Ethan Edwards, thanks for the contact information. These people are dangerous, and it real serious territory, the authorities MUST be contacted. For your inquiry about Nubreed. . .This is definitely linked to the Albanian Mob”.

Plaintiff and Zherka in the minds of right-thinking persons and to deprive Plaintiff of their friendly intercourse in society;

vi) intended by those Defendants to retaliate against Plaintiff and Zherka for their having advocated Robertson's election as Mayor and Amicone's defeat as Mayor in 2007, and,

vii) intended by those Defendants to deter, intimidate and/or threaten Plaintiff and Zherka with respect to any future advocacy in prospective election campaigns conducted with respect to public office in the Defendant City.

31. On or subsequent to October 17, 2007, Edelman, Amicone, Hartnett, Fleming and Porcari acting in concert provided and/or caused to be provided to the Westchester County District Attorney, Janet DiFiore (hereinafter "DiFiore"), the complaint (referenced by "Porcari" *supra* in paragraph "17") embodying all of the false information that they had published on the blog and/or at Asbury Church with the objective of having DiFiore arrange for a First Amendment retaliatory criminal investigation of Zherka and all of the other Robertson campaign contributors identified on the blog - - including Plaintiff. Defendants' objective in doing so was to chill Plaintiff, Zherka, and those other contributors' in the future exercise of their First Amendment protected rights and to cause them injury and damages in connection with their private business and/or social activities.

32. DiFiore agreed to assist Defendants and, in order to deflect from herself and/or her Office (because she in her capacity as District Attorney has personally threatened Zherka regarding a news article published in The Westchester Guardian regarding her husband's attempt to bribe a candidate who was running against DiFiore for elective office and because she

informed a now-former political confidant of hers that she was going to “get” Zherka), she contacted a New York County Assistant District Attorney, Matthew Bogdanos, through her (DiFiore’s) husband, Dennis Glazer, Esq. who: is a personal friend of Bogdanos; whose law firm has hosted legal seminars and/or programs with and/or on behalf of Bogdanos; and whose law firm has over the years hired former Assistant District Attorneys from New York County upon their retirement and/or resignation from the Manhattan District Attorney’s Office. In that connection Bogdanos is nearing retirement as an Assistant District Attorney.

33. Bogdanos, as a self-serving political and personal accommodation to DiFiore’s husband and DiFiore, agreed on the basis of subjective bad faith to investigate Zherka and the other Robertson campaign contributors despite the complete lack of any evidence of criminal wrong-doing; the complete lack of jurisdiction by the New York County District Attorney’s Office over any supposed “crimes” as fabricated by Defendants, and solely because those persons exercised their First Amendment protected right to advocate against Amicone and in favor of Robertson as a candidate for Mayor in Yonkers in 2007.

34. Knowing that the allegations against Plaintiff, Zherka and the other Robertson campaign contributors were totally false, Bogdanos agreed to engage in investigative activities having adopted/embraced the Defendants’ objectives of: destroying Plaintiff and Zherka’s reputations; destroying and/or damaging Plaintiff’s businesses; chilling him in the exercise of his First Amendment rights; punishing him for his exercise of his First Amendment rights in supporting Robertson in his election campaign against Amicone; deterring, intimidating, and/or threatening Plaintiff and; injuring Plaintiff and Zherka in their person or property on account of their having engaged in First Amendment protected conduct.

35. In connection with that investigation Bogdanos for the benefit of Defendants and without evidence whatsoever involving the commission by Plaintiff and/or Zherka of any crime and/or crimes within and/or without his jurisdiction has: i) advised at least one attorney., who in the past has had an attorney/client relationship with Plaintiff, that he (Bogdanos) is investigating Zherka by reason of his Albanian mob connection, tax fraud, money laundering, illicit drug dealings, and operation of a prostitution ring; ii) encouraged and/or permitted at least one investigator in the New York County District Attorney's Office to advise a supposed witness that Zherka is the biggest drug dealer in New York; iii) issued dozens of "grand jury" subpoenas (with documents produced pursuant to same in Bogdanos' office rather than having the subpoenas returnable before any sitting grand jury) to every corporation and/or person identified by Defendants (including Plaintiff's corporation) as having made financial contributions to the Robertson election campaign - - deliberately impairing Plaintiff's reputation, business operations, and business relationships; iv) published and/or re-published the false allegations that Defendants had posted on the blog; v) falsely reported to an organized crime investigative unit of the New York City Police Department that Zherka is an Albanian mobster; and *inter alia* vi) otherwise assisted Defendants in violating Plaintiff's rights and those of Zherka.

36. As a proximate result of Defendants' conduct Plaintiff has been caused to suffer: multiple violations of his rights as protected by the First Amendment to the United States Constitution; multiple violations of his rights as protected by 42 U.S.C. §1985(2); a chilling of his prospective exercise of his First Amendment protected rights; *per se* slander; irreparable injury to his professional reputation; emotional upset; anxiety; public humiliation; public shame; public embarrassment; and he has otherwise been rendered sick and sore.